

Service Date: May 25, 1994

FINAL ORDER NO. 6304
DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Monty Petersen)	
dba Petersen Trucking , Missoula,)	
Montana, application to amend)	Docket No. T-93.113.PCN
Montana Intrastate Certificate)	Order No. 6304
of Public Convenience and Necessity,)	
PSC No. 4796 SUB A.)	

The Commission, having taken evidence and being fully advised in the premises,
makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On July 26, 1993, Monty Petersen dba Petersen Trucking, 3909 S. 7th West, Missoula, Montana 59801, filed an application with the Montana Public Service Commission under Title 69, MCA, to amend Certificate of Public Convenience and Necessity, PSC 4796 Sub A. That certificate authorizes the following:

Class B - Heavy machinery, equipment and supplies (including logging, mining, and construction machinery, equipment and supplies, dismantled or otherwise) between all points and places in the State of Montana.

Limitations: (1) All shipments must originate or terminate in the following counties: Lewis and Clark, Powell, Missoula, Lake, Sanders, Ravalli, Mineral, and Granite; (2) the transportation of commodities in bulk is prohibited; (3) the transportation of mercer description commodities is prohibited; (4) authorization to transport commodities under the term "supplies" is restricted to the transportation of those termed items incidental to the operation of the heavy machinery and equipment; (5) transportation within the following counties is prohibited: Valley, Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland, Dawson, Prairie, Wibaux, Rosebud, Treasure, Custer, Fallon,

Broadus and Carter.

Applicant proposed to amend the certificate to read:

Class B - Heavy machinery, equipment and supplies (including logging, mining, and construction machinery, equipment and supplies, dismantled or otherwise) between all points and places in the State of Montana.

Limitations: (1) Transportation of commodities in bulk is prohibited; (2) Transportation of Mercer description commodities is prohibited; (3) Transportation of commodities under the term "supplies" is restricted to the transportation of those termed items incidental to the operation of the heavy machinery and equipment; (4) transportation within the following counties is prohibited: Valley, Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland, Dawson, Prairie, Wibaux, Rosebud, Treasure, Custer, Fallon, Broadus and Carter.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public September 8, 1993. That notice said in pertinent part:

If no written protests are received by September 28, 1993, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Shumaker Trucking and Excavating Contractors, Inc., Great Falls, Montana; Diversified Transfer and Storage dba DTS, Billings, Montana; Whitewood Transportation, Inc., Billings, Montana; Patrick Construction, Inc., Havre, Montana.

4. Notice of Public Hearing was issued January 19, 1994, with hearing scheduled for Wednesday, February 9, 1994, in Helena, Montana. That hearing was vacated at the request of the Applicant.

5. Diversified Transfer & Storage withdrew their protest on January 25,

1994. On February 7, 1994, Patrick Construction, Inc. withdrew its protest to the docket, while Shumaker Trucking & Excavating Contractors, Inc. withdrew theirs March 1, 1994.

6. Applicant restrictively amended the application on March 24, 1994. The final protestant, Whitewood Transportation, Inc., withdrew the protest to the docket April 26, 1994. The amendment is incorporated into the Order granting authority herein.

7. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 23rd day of May, 1994, there being present a quorum of Commissioners, there came regularly before the Commission for final

action the matters and things in Docket No. T-93.113.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Monty Petersen dba Petersen Trucking**, Missoula, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Heavy machinery, equipment and supplies (including logging, mining and construction machinery, equipment and supplies, dismantled or otherwise) between points in Beaverhead, Deer Lodge, Flathead, Glacier, Granite, Lake, Lewis & Clark, Lincoln, Mineral, Missoula, Pondera, Powell, Ravalli, Sanders, Silver Bow, Teton and Toole Counties on the one hand, and, on the other hand, points and places in the State of Montana (including the identified counties). Limitations: 1) Transportation of commodities in bulk is prohibited. 2) Transportation of Mercer description commodities is prohibited. 3) Transportation of commodities under the term "supplies" is restricted to the transportation of those termed items incidental to the operation of heavy machinery and equipment. 4) Transportation to or from points within the following counties is prohibited: Valley, Daniels, Sheridan, Roosevelt, Garfield, McCone, Richland, Dawson, Prairie, Wibaux, Rosebud, Treasure, Custer, Fallon, Broadus and Carter.

IT IS FURTHER ORDERED that Montana Intrastate Certificate of Public Convenience and Necessity, PSC 4796 Sub A be cancelled as duplicated by the above grant of authority.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 23rd day of May, 1994, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCaffree, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Final Order No. 6304 issued in Docket No. T-93.113.PCN in the matter of Monty Petersen dba Petersen Trucking, Missoula, Montana 59801, has today been sent to all parties listed.

MAILING DATE: May 25, 1994

FOR THE COMMISSION

FIRST CLASS MAIL:

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Schumaker Trucking and Excavation
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Diversified Transfer and Storage
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Whitewood Transportation, Inc.
P.O. Box 30553
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AS ITS INTERESTS MAY APPEAR:

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